

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

CEMENT AND CONCRETE WORKERS
DISTRICT COUNCIL WELFARE FUND,
PENSION FUND, ANNUITY FUND,
EDUCATION AND TRAINING FUND
AND OTHER FUNDS; SILVANA BALDO,
in her fiduciary capacity as Administrator
of the Cement and Concrete Workers
District Council Welfare Fund, Pension
Fund and Annuity Fund; and
ALEXANDER J. CASTALDI, as President
of the CEMENT AND CONCRETE
WORKERS DISTRICT COUNCIL and in his
fiduciary capacity as a Trustee of the
EDUCATION AND TRAINING FUND,

Plaintiffs,

-against-

INTEGRATED STRUCTURES CORP. and
FRANCIS A. LEE,

Defendants.

x

BLOCK, Senior District Judge:

On August 24, 2012, Magistrate Judge Reyes issued a report and recommendation ("R&R") recommending that judgment be entered against the defendants in the total amount of \$221,015.58, but that plaintiffs' request for permanent injunctive relief and an audit of defendants' books be denied. The R&R recited that "[a]ny objections to the recommendations made in this [R&R] must be filed . . . within fourteen (14) days of receiving this R&R," and advised that "[f]ailure to file timely objections may waive the

MEMORANDUM AND ORDER

Case No. 11-CV-4164 (FB) (RER)

right to appeal the District Court's Order." R&R at 14.

The R&R was served on the defendants at their last known address on August 24, 2012. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The Clerk shall enter judgment accordingly.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

September 25, 2012
Brooklyn, New York